



PLANNING COMMISSION SYNOPSIS

Wednesday, April 27, 2005

6:00 p.m. Regular Meeting
Council Chambers, Room 205, City Hall

801 North First Street
San Jose, California

Bob Levy, Chair
Bob Dhillon, Vice-Chair

Xavier Campos Jay James
Dang T. Pham
Christopher Platten James Zito

Stephen M. Haase, Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 277-4576 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Bob Levy** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of *Wednesday, April 27, 2005*. Please remember to turn off your cell phones and pagers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

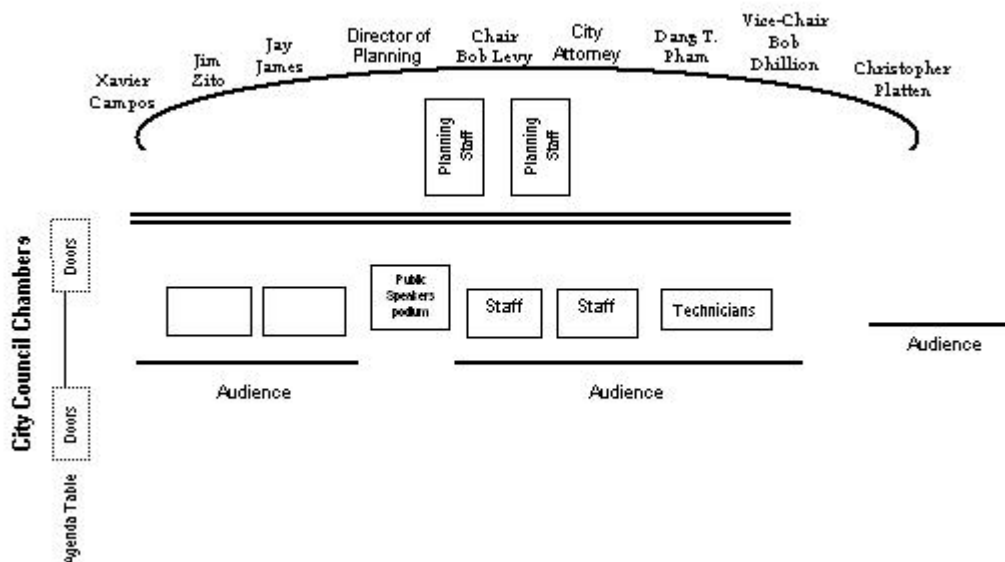
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Olga Guzman at olga.guzman@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 277-4576. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

ALL WERE PRESENT, PLATTEN ARRIVED AFTER DEFERRALS AND PHAM ARRIVED AFTER CONSENT CALENDAR.

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

- a. **CP04-100**. Conditional Use Permit (CUP) to allow an annual three-day food and cultural festival on a 2.6 gross acre church site in the R-1-8 Single-Family Residence Zoning District, located on the East side of Davis Street approximately 200 feet northerly of Chapman Street (1260 DAVIS ST) (Greek Orthodox Community of Santa Clara County, Owner). Council District 6. SNI: None. CEQA: Negative Declaration (File No. CP94-036).

DEFER TO 5-2-05 (5-0-2; PHAM AND PLATTEN ABSENT)

- b. **CP04-036**. Conditional Use Permit (CUP) to allow the installation of a 56 foot tall wireless communication antenna (flagpole/monopole) and an associated 150 square foot equipment shelter on a 3.91 gross acre site (Tower Academy) in the R-1-8 Residence Zoning District, located at west side of McLaughlin Avenue approximately 100 feet southerly of Bendmill Way (2887 McLaughlin Avenue) (Corpuz Deanna L. Trustee, Owner). Council District 7. SNI: None. CEQA: Exempt.

WITHDRAWN BY APPLICANT (5-0-2; PHAM AND PLATTEN ABSENT)

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. [CP04-014](#). Conditional Use Permit (CUP) to allow the demolition of two existing buildings and to construct a new two-story 35,100 square foot building for an automobile dealership on a 2.95 gross acre site in the CG Commercial General Zoning District, located on the southeast corner of Stevens Creek Boulevard and Palace Drive (4490 Stevens Creek Boulevard) (Olavarri Family Part Lp/Stevens Creek Volkswagen, Owner). Council District 1. SNI: None. CEQA: Exempt.

APPROVED (6-0-1; PHAM ABSENT)

STAFF CLARIFIED LANDSCAPING MAINTENANCE CONDITIONS AND TREE SPECIES TO BE PLANTED.

- b. [PDC04-103](#). Planned Development rezoning from R-M Residential District to A(PD) Planned Development District to allow 2 single-family attached residences on a 0.16 gross acre site, located on the west side of Revey Avenue approximately 100 feet northerly of Bailey Avenue (Kwok Stephen P And Alice A Trustee, Behrouzian Behrouz And Parivash Et Al, Owner). Council District 6. SNI: Burbank/Del Monte. CEQA: Exempt.

RECOMMEND APPROVAL (6-0-1; PHAM ABSENT)

STAFF CLARIFIED THE DENSITY OF THE PROPOSED PROJECT WOULD FALL WITHIN THE GENERAL PLAN DESIGNATION. IN RESPONSE TO COMMISSIONER ZITO, STAFF CLARIFIED PROPOSED UNITS WERE ATTACHED ALONG THE GARAGE WALL, AND THAT BOTH PROPOSED OPEN SPACES MET THE MINIMUM REQUIREMENT OF THE RESIDENTIAL DESIGN GUIDELINES.

- c. [CPA01-097-01](#). Conditional Use Permit Amendment to remove the parking condition from a previously approved permit file no. CP01-097 requiring an 18' x 18' two car garage for a residential service facility on a 0.11 gross acre site in the R-M Multiple Residence Zoning District, located on east side of South 3rd Street approximately 90 feet northerly of East Virginia Street (792 South 3rd Street) (Graves Jeff B And Vo Lynn Thuy, Owner). Council District 3. SNI: Spartan/Keyes. CEQA: Exempt.

APPROVED (6-0-1; PHAM ABSENT)

The following items are considered individually.

4. [PUBLIC HEARINGS](#)

- a. [An Ordinance amending Chapter 20.100 of Title 20](#) of the San Jose Municipal Code to allow subdivisions to be approved with other development permits and approvals as part of a single process. CEQA: Not a project.

RECOMMEND APPROVAL (7-0)

COMMISSIONER ZITO ASKED FOR A COPY OF THE EXACT TEXT FOR ORDINANCE CHANGES IN THE FUTURE. COMMISSIONER DHILLON INQUIRED AS TO THE PROBABLE TIME SAVINGS FOR CONCURRENT PROCESSING AND STAFF AND COUNSEL INDICATED LIKELY 2 WEEKS TO ONE MONTH TIME SAVINGS, BUT THAT ALSO THERE IS A STREAMLINING EFFECT TO HAVING A SINGLE SET OF PUBLIC HEARINGS.

- b. **H05-003**. APPEAL of the Planning Director's decision to approve a Site Development Permit to allow conversion of a non-conforming commercial structure to a single-family detached residence and to allow reduction in required parking to provide a one-car garage on a 0.12 gross acre site, in the R-1-8 Single-Family Residence Zoning District, located at/on the west side of Stockton Avenue approximately 550 feet southerly of West Taylor Street (641 Stockton Avenue) (Woodmansee, Catamount, Owner). Council District 6. CEQA: Exempt.

UPHOLD DIRECTOR'S DECISION (7-0)

COMMISSIONERS ZITO AND JAMES ASKED WHETHER THE PROPERTY OWNER UNDERSTOOD THE NATURE OF SURROUNDING USES AND POSSIBLE NOISE CONCERNS ABOUT 24-HOUR BUS OPERATION ACROSS THE STREET THAT MIGHT IMPACT RESIDENTIAL USE ON THE SITE. COMMISSIONER CAMPOS ASKED WHETHER CODE ENFORCEMENT COULD RESPOND TO FUTURE COMPLAINTS ABOUT BUS YARD ACTIVITIES. STAFF CLARIFIED THE NATURE OF THE PERMIT ON APPEAL IS JUST THE SITE PERMIT, NOT THE LAND USE POLICY DECISION, WHICH THE CITY COUNCIL CONFIRMED BY REZONING THE PROPERTY TO R-1-8 RESIDENCE DISTRICT IN JANUARY 2005. COMMISSIONER LEVY NOTED THAT BOTH THE GENERAL PLAN AND ZONING ARE RESIDENTIAL. COMMISSIONER ZITO ASKED HOW THE GENERAL PLAN COULD BE RESIDENTIAL FOR THIS SITE AND THE SURROUNDING AREA, BUT THE ZONING FOR MOST OTHER PROPERTIES FRONTING ON STOCKTON IS CN NEIGHBORHOOD COMMERCIAL. STAFF EXPLAINED THAT THE COMMERCIAL ZONING PREDATED THE GENERAL PLAN LAND USE DESIGNATION WHICH HAS BEEN IN PLACE HERE OVER 20 YEARS. COMMISSIONERS ZITO AND LEVY EXPRESSED CONCERN ABOUT THE LACK OF A BUFFER BETWEEN HEAVY INDUSTRIAL ACROSS STOCKTON AVENUE, AND SINGLE-FAMILY USES AND RECOMMENDED FUTURE CONSIDERATION OF A GENERAL PLAN FOR COMMERCIAL ALONG THE FRONTAGE AS A BETTER INTERFACE. IN RESPONSE TO COMMISSIONER JAMES, STAFF CLARIFIED A COMPLAINT REGARDING BUS IDLING DUE TO AIR QUALITY CONCERNS BY THE RESIDENTIAL PROPERTY OWNER MAY HAVE PRECIPITATED THE APPEAL OF PERMIT FOR RESIDENTIAL CONVERSION.

- c. **CP05-003**. Conditional Use Permit (CUP) to allow installation of a 480-hp power generation facility in the basement of an existing hotel on a 0.94 gross acre site in the DC Downtown Primary Commercial Zoning District, located on the east side of South Market Street, approximately 600 feet northerly of East San Carlos Street (FAIRMONT HOTEL) (170 S MARKET ST) (Light Tower Associates II LLC, Owner). Council District 3. SNI: None. CEQA: Exempt.

APPROVED (7-0)

STAFF CLARIFIED THAT GENERATORS WILL PROVIDE UP TO 95% OF HOTEL POWER, WITH 5% GUARANTEED TO BE PURCHASED FROM PG&E, AND THAT 6 PARKING SPACES WOULD BE DEVOTED TO GENERATOR, BUT PARKING REQUIREMENTS WOULD STILL BE MET. COMMISSIONER JAMES CLARIFIED WITH STAFF THAT THE NATURE OF THE POWER GENERATION FACILITY WAS TWO GENERATORS.

COMMISSIONER JAMES EXPRESSED CONCERN ABOUT LOCATION OF NATURAL GAS LINE, VENTING OF GENERATOR, ADEQUACY OF SOUND ATTENUATION OF GENERATOR, AND POSSIBLE CONCERN ABOUT PLACEMENT OF SUPPORT COLUMNS IN PARKING AREA THAT COULD CONFLICT WITH GENERATOR SITING. STAFF RESPONDED THAT NATURAL GAS LINES WOULD BE INSTALLED PER BUILDING CODE, THAT EXHAUST SYSTEM WOULD BE INSTALLED AND WOULD MEET BAAQMD REQUIREMENTS, THAT NOISE ATTENUATION AND INSULATION COULD REDUCE SOUND BELOW 70 DECIBALS. STAFF CLARIFIED THAT IF ADDITIONAL PARKING SPACES WERE REQUIRED TO BE USED FOR FACILITY, A PERMIT ADJUSTMENT WOULD BE REQUIRED. STAFF CLARIFIED THAT NOISE LEVEL OF GENERATOR WOULD BE MITIGATED BY ADDITIONAL PARKING GARAGE LEVEL AND WOULD NOT TYPICALLY BE AUDIBLE BY PEDESTRIANS ON THE ADJOINING SIDEWALKS OR WITHIN HOTEL ROOMS LOCATED ON THE SECOND FLOOR WITH THE LOBBY LEVEL INTERVENING. IN RESPONSE TO COMMISSIONER DHILLON, STAFF CLARIFIED PROBABLE ECONOMIC BENEFIT TO HOTEL BUT THAT THERE IS NOT LIKELY TO BE A LARGER NUMBER OF POWER GENERATION FACILITIES PROPOSED, AND STAFF CLARIFIED THAT THIS GENERATOR WOULD OPERATE 24 HOURS A DAY.

5. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
 1. Responding to statements made or questions posed by members of the public; or
 2. Requesting staff to report back on a matter at a subsequent meeting; or
 3. Directing staff to place the item on a future agenda.

NONE

6. **REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES**

NONE

7. **GOOD AND WELFARE**

a. Report from City Council

COMMISSIONER ZITO REPORTED SECONDARY UNITS GOING BEFORE COUNCIL ON MAY 3rd. COUNSEL EXPLAINED PILOT PROGRAM RECOMMENDED BY STAFF, AND STAFF AND COUNSEL NOTED THAT BRAINSTORMING OF STAFF AND COMMISSION MEMBERS IN PAST YEAR HAD HELPED SET THE PARAMETERS OF STAFF'S INITIAL RECOMMENDATION.

b. Commissioners' reports from Committees:

- Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Dhillon and James).

COMMISSIONER JAMES REPORTED AIRPORT MEETING IN 2 MONTHS.

- Coyote Valley Specific Plan (Platten)

COMMISSIONER PLATTEN REPORTED NO ADDITIONAL COYOTE MEETING

c. **Review of synopsis**

NO CHANGES

d. **Changes to Planning Commission Hearing Schedule**

- Confirm cancellation of Planning Commission meeting on Wednesday, June 8, 2005.
- Confirm added Planning Commission meetings on Thursday June 2, 2005, Monday, June 6, 2005 and Wednesday, June 15, 2005.
- Confirm General Plan hearings on May 11, May 25, June 2, and June 6, 2005.
- Confirm 4:00 p.m. start time for CIP Study Session on May 2, and Parks Commission Joint Study Session on May 11, 2005.

CONFIRMED NEW SCHEDULE AND COMMISSIONER ZITO WITH CONCURRENCE FROM THE COMMISSION ASKED STAFF TO TRY TO KEEP AT LEAST 7 DAYS BETWEEN HEARINGS TO ALLOW ADEQUATE TIME FOR PREPARATION.

8. **ADJOURNMENT**

2005 PLANNING COMMISSION MEETING SCHEDULE

January 12	5:00 p.m. - 6:00 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of Meeting Logistics</i>	
January 12	6:00 p.m.	Regular Meeting	Council Chambers
January 26	6:00 p.m.	Regular Meeting	Council Chambers
Monday, February 7	4:45 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of Jobs/Housing Imbalance</i>	
Monday, February 7	6:00 p.m.	Regular Meeting	Council Chambers
February 23	6:00 p.m.	Regular Meeting	Council Chambers
March 9	4:45 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of General Plan Amendments/development projects</i>	
March 9	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
March 23	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
Monday, April 11	CANCELLED	<i>Study Session</i>	Room 400
		<i>Discussion of Alcohol sales</i>	
Monday, April 11	6:00 p.m.	Regular Meeting	Council Chambers
April 27	6:00 p.m.	Regular Meeting	Council Chambers
Monday, May 2	4:00 p.m.	<i>Study Session</i>	Room 400
		<i>Review Capital Improvement Program</i>	
Monday, May 2	6:00 p.m.	Regular Meeting	Council Chambers
May 11	4:00 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of Parks planning strategy (Joint session with Parks Commission)</i>	
May 11	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
May 25	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
June 8	6:00 p.m.	Regular Meeting	Council Chambers
June 22	6:00 p.m.	Regular Meeting	Council Chambers
July 13	6:00 p.m.	Regular Meeting	Council Chambers
July 27	6:00 p.m.	Regular Meeting	Council Chambers
August 10	6:00 p.m.	Regular Meeting	Council Chambers
August 24	6:00 p.m.	Regular Meeting	Council Chambers
September 14	6:00 p.m.	Regular Meeting	Council Chambers
September 28	6:00 p.m.	Regular Meeting	Council Chambers
October 12	6:00 p.m.	Regular Meeting	Council Chambers
October 26	6:00 p.m.	Regular Meeting	Council Chambers
November 9	6:00 p.m.	Regular Meeting	Council Chambers
November 16	6:00 p.m.	Regular Meeting	Council Chambers
December 7	6:00 p.m.	Regular Meeting	Council Chambers